

**ASSEMBLY BILL**

**No. 340**

**Introduced by Assembly Member Frommer**

February 11, 2003

---

---

An act to add Section 830.53 to the Penal Code, relating to probation officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 340, as introduced, Frommer. Probation officers: safety training and equipment.

Existing law includes probation officers among those who are considered peace officers and, except as specified, permits them to carry firearms only if authorized and under those terms and conditions specified by their employing agency. Those probation officers who may carry firearms must meet specified training standards.

This bill would in a county of the first class, except as may be specifically provided by a memorandum of understanding executed by an authorized employee bargaining unit, prohibit any probation officer, as defined, from being required as a condition of his or her employment, to participate in any duty related hazardous activity, as defined, unless that officer's employer provides adequate safety training and equipment, as specified. Because this bill would increase the amount of training and equipment provided to probation officers by local governments, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830.53 is added to the Penal Code, to  
2 read:

3 830.53. (a) In a county of the first class, except as may be  
4 specifically provided by a memorandum of understanding  
5 executed by an authorized employee bargaining unit, no probation  
6 officer, as defined in Section 830.5, may be required as a condition  
7 of his or her employment, to participate in any duty related  
8 hazardous activity unless that officer's employer provides  
9 adequate safety training and equipment.

10 (b) "Adequate safety and training equipment" shall include,  
11 but not limited to, the following:

12 (1) Training and education about street gangs, gang related  
13 behavior, mental illness, and domestic violence.

14 (2) Proper training in self defense techniques.

15 (3) Proper training and equipping of officers in the use of mace,  
16 pepper spray, tasers, and similar nonlethal self-defense weapons.

17 (4) Issuance and use of a protective vest.

18 (5) Issuance and use of firearms for self defense purposes.

19 (c) "Duty related hazardous activity" means any job related  
20 activity where there is a foreseeable risk of violence or significant  
21 physical harm to the officer that may cause or result either in a life  
22 threatening situation or substantial endangerment to the officer.

23 (d) This section shall only apply to a County of the First Class.

24 SEC. 2. Notwithstanding Section 17610 of the Government  
25 Code, if the Commission on State Mandates determines that this  
26 act contains costs mandated by the state, reimbursement to local  
27 agencies and school districts for those costs shall be made pursuant  
28 to Part 7 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the claim for

- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

O

